

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Docket Number (Optional)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

26015-194/P66

First named inventor: Dennis G. OLSON et al.

Application No.: 09/872,441

Art Unit: 2881

Filed: June 1, 2002

Examiner: Paul M. GURZO

Title: SYSTEM FOR, AND METHOD OF, IRRADIATING ARTICLES

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to the Final Office Action (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/05/2004 WARDLRL1 00000015 03072441

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

9-29-2004

Date



Signature

Telephone

Number: (858) 720-6300

David E. Heisey

Typed or printed name

Luce, Forward, Hamilton & Scripps, LLP

Address

11988 El Camino Real, St. 200, San Diego, CA 92130

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

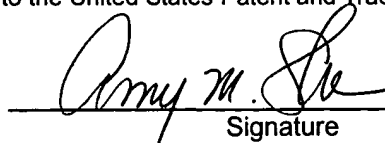
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

09-29-2004

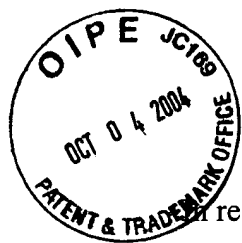
Date



Signature

Amy M. Sheridan

Type or printed name of person signing certificate



Atty. Docket No.: 26015-194/P66

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit:	2881
Dennis G. OLSON et al.	)		
Serial No.: 09/872,441	)	Examiner:	Paul M. GURZO
Filed: June 1, 2002	)	Confirmation No.:	2095
For: SYSTEM FOR, AND METHOD	)		
OF, IRRADIATING ARTICLES	)		

San Diego, California  
September 29, 2004

Mail Stop: PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.137(b) TO REVIVE AN  
ABANDONED APPLICATION**

The above-identified application became abandoned for failure respond to a Final Office Action in accordance with 37 CFR 1.113(a). A Response to the Final Office Action is filed herewith. The entire delay in filing the Response was unintentional.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: September 29, 2004

Signature:

  
Amy M. Sheridan

Applicant respectfully requests the acceptance of the enclosed Petition for Revival of an Unintentionally Abandoned Application concurrent with a Response to the Final Office Action.

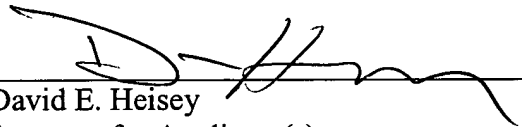
The fee pursuant to 37 CFR 1.17(m) for a Petition to Revive and Unintentionally Abandoned Application for a Large Entity is \$1,330.00. Accordingly, a check in the amount of \$1,330.00 is submitted. Since this application has a filing date on or after June 8, 1995, no terminal disclaimer or disclaimer fee is required.

The Commissioner is authorized to charge any shortage in the fees due in connection with the filing of this paper to our Deposit Account No. 50-2298 in the name of Luce, Forward, Hamilton & Scripps LLP.

Respectfully submitted,

Date

9-29-2004

  
David E. Heisey

Attorney for Applicant(s)

Reg. No. 42,651

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